

other words, the draft response that I would have never received but for FOIA included more information than what VA eventually sent me.

Because of my concerns with VA's obstruction and because the nomination relates to a position at the center of my oversight requests, I submitted questions for the record to Mr. Jacobs. Although I appreciate his response to my questions, I found a number of his answers unsatisfactory. For instance, he was provided with sufficient background in my questions with respect to my VA inquiry. I asked him, given the fact that he currently is exercising the powers of Under Secretary for Benefits, if he would commit to opening an investigation now into the serious questions I raised. He declined to respond, instead stating what he would do in certain hypothetical circumstances, even though the questions pertained to matters directly under his current purview. After I provided the names, dates, and specific allegations that need to be addressed but have failed to be for the past 2 years and after repeating many of those details in my questions to Mr. Jacobs, it was unacceptable for him to answer in hypotheticals. Many of his other responses were equally disappointing.

My staff has also identified at least one document that seems to contradict Mr. Jacobs' claim that he did not play "any role" in VA's response to my inquiry. While I make no claim that Mr. Jacobs intentionally misled me in his responses, this document at least raises serious questions as to the accuracy of his blanket assertion. In the document, Mr. Jacobs reaches out to a senior VA legislative affairs official, multiple officials from VA's Office of General Counsel, and others, relaying information on a call he received about a matter related to my oversight, which he believed was the same issue that prompted my letters. This shows that he took at least one phone call on what he thought was the same matter and provided this information to those preparing a response to me. It is difficult to imagine that nobody ever responded to Mr. Jacobs, either by email or in-person conversations, in which he would have had additional conversations about VA's response. Accordingly, the email undercuts his assertion that he did not play "any role" in the matter. Moreover, VA's redaction-filled productions make it difficult to bring transparency.

Because of VA's lack of transparency on these critical issues and Mr. Jacobs' evasive answers on a number of my questions, I must therefore object to any consideration of this nominee. I am more than willing to discuss with the VA and Mr. Jacobs how they can remedy the deficiencies in their responses.

This hold is a reminder that executive agencies have an ongoing obligation to respond to congressional inquiries in a full and timely manner.

#### NATIONAL LIBERTY MEMORIAL

Mr. GRASSLEY. Mr. President, I have been glad to see that Lena Santos Ferguson is finally gaining recognition for her work to desegregate the Daughters of the American Revolution. In 1980, Mrs. Ferguson was turned away when she tried to join DAR. She was discriminated against even though she could trace her ancestry to Jonah Gay, who had supported the Revolution through the town committee of Friendship, ME.

According to the Washington Post, one of Ferguson's White sponsors was told that, if Mrs. Ferguson was admitted, the DC chapter "will probably fall apart." However, last month, the DAR renamed its Washington, DC, nursing scholarship as the "Daughters of the American Revolution—Lena Ferguson Scholarship," doubled its size, and announced the upcoming placement of a plaque in honor of her work.

It is a testament to the work of those such as Ferguson that the DAR has gone from threatening dissolution to naming a scholarship in her honor.

Ferguson represented a much larger group of under-recognized Black Revolutionary War patriots. In 1984, when Ferguson was finally allowed to join the DAR, the settlement agreement had an impact well beyond one woman's effort for recognition. It led to new research and the identification of over 5,000 of the estimated 10,000 Black Revolutionary War participants.

However, highlighting the contributions Black patriots made in the American Revolution does not end with DAR. That is why I worked with Senator MURPHY to pass into law the National Liberty Memorial Preservation Act. Our bipartisan bill allows the National Mall Liberty Fund D.C.—a group founded by Maurice Barboza, Ferguson's nephew—to continue its work getting a monument to Black patriots on or near the National Mall in Washington, DC.

Both this monument and the work of Mrs. Ferguson display the founding purpose of our Nation. Unlike almost every other country on Earth, Americans are not bound together by a common ethnicity or geographical ancestry. We are all Americans because we believe in the principles our country was founded upon. This is the common heritage of all Americans of all backgrounds. It is vital that we do not forget that bond and even more vital that we preserve the principles themselves and honor those of all backgrounds who fought for them.

The construction of the National Liberty Memorial by July 4, 2026—the 250th anniversary of our Nation's founding—would serve as another important reminder of that bond we share as Americans. I urge my fellow Americans to come together around that goal.

#### TRIBUTE TO BERNARD E. DOYLE

Mr. VAN HOLLEN. Mr. President, I rise to acknowledge Bernard E. "Bernie" Doyle, who is retiring on 20 April

2023, after more than 40 years of combined military and Federal civil service to our country. After graduating from the George Washington University with a bachelor of arts degree in journalism and speech, Mr. Doyle received his Air Force officer commission in April 1979 as a public affairs officer. With unbounded ambition, Mr. Doyle was selected for the Air Force's Funded Legal Education Program and attended the University of Maryland Law School from 1981 to 1984. Upon his graduation from law school in October 1984, Mr. Doyle entered the second chapter of his military service as a judge advocate in the U.S. Air Force Judge Advocate General's Corps and never looked back.

Rising through military ranks and responsibilities through the years, Mr. Doyle was promoted to the rank of lieutenant colonel and oversaw 11 attorneys in the Air Force Legal Service Agency's Employment Litigation Branch. He also personally conducted over 200 trials and appellate litigation in Federal employment discrimination cases and trial and appellate litigation before military courts martial and the appellate courts for the Air Force and the Armed Forces. Among the highlights of his military legal career was his experience defending the accused in three capital murder courts martial. With humility, he would share the profound impact that this experience had on his formative years as a military officer and an attorney in finding courage and compassion within the military justice system.

After his retirement from the Air Force in December 1998, Mr. Doyle continued his public service as an administrative judge with the Merit Systems Protection Board—MSPB—an appeals counsel in the MSPB's Office of the Appeals Counsel, and then as an assistant general counsel for the MSPB Office of the General Counsel. To no one's surprise, Mr. Doyle's managerial skills and legal acumen were quickly recognized by his leaders and peers, which led to his selection as the chief counsel to the vice chairman in a non-career Senior Executive Service position. During Mr. Doyle's 11-year tenure at MSPB, he worked extensively on MSPB precedential opinions and successfully defended MSPB final decisions before the U.S. Court of Appeals for the Federal Circuit. Several of his cases, such as *Ward v. U.S. Postal Service*, *Kirkendall v. Army*, *Butterbaugh v. Department of Justice*, and *Becker v. Department of Veterans Affairs*, continue to serve as the guiding principles on due process rights for Federal employees and employment benefits and protections for veterans and military servicemembers.

Mr. Doyle joined the National Guard Bureau Office of the General Counsel as an associate general counsel in the Litigation and Employment Law Division in September 2014. His leadership and dedication to excellence was critical in managing and advocating for